

REMARKS

Claims 1-36, 42, 43 and 45-48 are pending. By this Amendment, claims 1, 2, 10, 17, 25 and 36 are amended, claims 37 and 44 are canceled and claims 45-48 are added.

An Election of Species was required in this application. Accordingly, Applicant elected Fig. 1. Claims 1, 2, 7-19, 21-36, 42 and 43 and new claims 45-48 read on elected Fig. 1. Claims 1, 11, 12 and 22-24 and 37 remain generic to all species. Applicant thus retains claims 3-6 and 20 as these claims depend from claim 1. Applicant also requests rejoinder of claims 3-6 and 20 when claim 1 is found to be allowable, because claims 3-6 and 20 depend from claim 1 and would thus be allowable for at least the same reasons that claim 1 is allowable.

Applicant appreciates the indication of allowability for claims 9-12, 15, 17, 21 and 23, and the allowance of claims 25-36, 42 and 43. For the reasons discussed below, all of claims 1-36, 42, 43 and 45-48 are allowable.

Claims 1, 2, 7, 8, 13, 14, 16, 18, 19, 22 and 24 were rejected under 35 U.S.C. §102(b) over DE 197 16 404 (DE '404). The rejection is respectfully traversed.

DE '404 fails to disclose a braking system with a valve device having a first state in which the pressurized fluid is delivered from two pressurizing chambers of the at least two pressurizing chambers to the brake cylinder, and a second state in which the pressurized fluid is delivered from only one of the two pressurizing chambers to the brake cylinder while the fluid is permitted to be discharged from the other of the two pressurizing chambers but is not permitted to be delivered to the brake cylinder, as recited in claim 1.

DE '404 fails to disclose all of the features recited in claim 1 because DE '404 always permits the discharge and delivery of fluid from both of the chambers 4, 6 to the brake cylinder 3. When the valve device 12 is placed in the state 12.1, fluid is delivered from the chamber 6 via the valve device 12 to the cylinder 3. When the valve 12 is placed in the state 12.2, the fluid is

delivered from the chamber 6 via the pump 10 to the cylinder 3. As shown in Fig. 1, fluid is always delivered from the chamber 4 to the cylinder 6.

In other words, fluid discharged from the chamber 6 is always delivered to the brake cylinder 3 irrespective of the operating state of the valve device 12. As such, DE '404 fails to disclose the second state as recited in amended claim 1.

As stated on page 5 of the Office Action, the Examiner appears to associate the check valve 124 of Applicant's Fig. 1 with the valve device recited in claim 1. This is not correct. In the example provided with Fig. 1, the check valve 124 only forms a part of the valve device. The master-cylinder cut-off valve 120, the check valves 136, 137 and the pressure relief valve 140 are also used to form the valve device as discussed in paragraph [0151]. Paragraphs [0177] - [0179] of Applicant's specification also explain how fluid can be discharged from the pressurizing chamber 106 but is not permitted to be delivered to the brake cylinder 74. To the contrary, fluid discharges from both of the chambers 4, 6 of DE '404 is always delivered to the brake cylinder 3.

In view of the foregoing, DE '404 fails to disclose all of the features recited in claim 1, as well as the additional features recited in the dependent claims. It is respectfully requested that the rejection be withdrawn.

The rejection of claim 37 under 35 U.S.C. §102(e) over Oka et al., U.S. Patent No. 6,196,641 and the rejection of claims 37 and 44 under 35 U.S.C. §102(e) over JP11-341604 have been rendered moot by the cancellation of claims 37 and 44.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-36, 42, 43 and 45-48 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Amendment Transmittal

Date: October 8, 2004

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